



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Mr. Yuri Calderon
Assistant School Attorney
Houston Independent School District
Hattie Mae White Administration Building
3830 Richmond Avenue
Houston, Texas 77027-5838

OR95-850

Dear Mr. Calderon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32021.

The Houston Independent School District (the "district") received an open records request for the district's investigation of an alleged sexual assault of a child. Chapter 34 of the Family Code concerns, among other things, reports of child abuse to local law enforcement agencies. Section 34.08(a) of the Family Code provides:

Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

Subsections (b) and (c) relate to the disclosure of records concerning an investigation of an adopted child to the adoptive parents, prospective adoptive parents, or to the child upon reaching adulthood. Neither subsection is applicable to the current request.

You have not cited any specific regulation that the district has adopted with regard to the release of this type of information. We therefore assume that no such regulation exists. Given that assumption, the records at issue are confidential pursuant to

section 34.08(a) of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (copy enclosed). Accordingly, the district must withhold the requested records in their entirety.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 32021

Enclosures: Submitted documents
Open Records Decision No. 440 (1986)

cc: Mr. Ramon Pineda
9595 Westview, # 1705
Houston, Texas 77055
(w/o enclosures)

¹ Because we resolve your request under section 34.08 of the Family Code, we need not address your other arguments for withholding these records.